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THE FREEDMAN'S CASE IN EQUITY.

THE greatest social problem before the American people to-day is, as it has been for a hundred years, the presence among us of the negro.

No comparable entanglement was ever drawn round itself by any other modern nation with so serene a disregard of its ultimate issue, or with a more distinct national responsibility. The African slave was brought here by cruel force, and with everybody's consent except his own. Everywhere the practice was favored as a measure of common aggrandizement. When a few men and women protested, they were mobbed in the public interest, with the public consent. There rests, therefore, a moral responsibility on the whole nation never to lose sight of the results of African-American slavery until they cease to work mischief and injustice.

It is true these responsibilities may not fall everywhere with the same weight; but they are nowhere entirely removed. The original seed of trouble was sown with the full knowledge and consent of the nation. The nation was to blame; and so long as evils spring from it, their correction must be the nation's duty.

The late Southern slave has within two decades risen from slavery to freedom, from freedom to citizenship, passed on into political ascendency, and fallen again from that eminence. The amended Constitution holds him up in his new political rights as well as a mere constitution can. On the other hand, certain enactments of Congress, trying to reach further, have lately been made void by the highest court of the nation. And another thing has happened. The popular mind in the old free States, weary of strife at arm's length, bewildered by its complications, vexed by many a blunder, eager to turn to the cure of other evils, and even tinctured by that race feeling whose grosser excesses it would so gladly see suppressed, has retreated from its uncomfortable dictational attitude and thrown the whole matter over to the States of the South. Here it rests, no longer a main party issue, but a group of questions which are to be settled by each of these States separately in the light of simple equity and morals, and which the genius of American government does not admit of being forced upon them from beyond their borders. Thus the whole question, become secondary in party contest, has yet reached a period of supreme importance.

Before slavery ever became a grave question in the nation's politics,—when it seemed each State's private affair, developing unmolested,—it had two different fates in two different parts of the country. In one, treated as a question of public equity, it withered away. In the other, overlooked in that aspect, it petrified and became the corner-stone of the whole social structure; and when men sought its overthrow as a national evil, it first brought war upon the land, and then grafted into the citizenship of one of the most intelligent nations in the world six millions of people from one of the most debased races on the globe.

And now this painful and wearisome question, sown in the African slave-trade, reaped in our civil war, and garnered in the national adoption of millions of an inferior race, is drawing near a second seed-time. For this is what the impatient proposal to make it a dead and buried issue really means. It means to recommit it to the silence and concealment of the covered furrow. Beyond that incubative retirement no suppressed moral question can be pushed; but all such questions, ignored in the domain of private morals, spring up and expand once more into questions of public equity; neglected as matters of public equity, they blossom into questions of national interest; and, despised in that guise, presently yield the red fruits of revolution.

This question must never again bear that fruit. There must arise, nay, there has arisen, in the South itself, a desire to see established the equities of the issue; to make it no longer a question of endurance between one group of States and another, but between the moral débris of an exploded evil and the duty, necessity, and value of planting society firmly upon universal justice and equity. This, and this only, can give the matter final burial. True, it is still a question between States; but only secondarily, as something formerly participated in, or as it concerns every householder to know that what is being built against his house is built by level and plummet. It is the interest of the Southern States first, and *consequently* of the whole land, to discover clearly these equities and the errors that are being committed against them.

If we take up this task, the difficulties of the situation are plain. We have, first, a revision of Southern State laws which has forced into

them the recognition of certain human rights discordant with the sentiments of those who have always called themselves the community; second, the removal of the entire political machinery by which this forcing process was effected; and, third, these revisions left to be interpreted and applied under the domination of these antagonistic sentiments. These being the three terms of the problem, one of three things must result. There will arise a system of vicious evasions eventually ruinous to public and private morals and liberty, or there will be a candid reconsideration of the sentiments hostile to these enactments, or else there will be a division, some taking one course and some the other.

This is what we should look for from our knowledge of men and history; and this is what we find. The revised laws, only where they could not be evaded, have met that reluctant or simulated acceptance of their narrowest letter which might have been expected — a virtual suffocation of those principles of human equity which the unwelcome decrees do little more than shadow forth. But in different regions this attitude has been made in very different degrees of emphasis. In some the new principles have grown, or are growing, into the popular conviction, and the opposing sentiments are correspondingly dying out. There are even some limited districts where they have received much practical acceptance. While, again, other sections lean almost wholly toward the old sentiments; an easy choice, since it is the conservative, the unyielding attitude, whose strength is in the absence of intellectual and moral debate.

Now, what are the gains, what the losses of these diverse attitudes? Surely these are urgent questions to any one in our country who believes it is always a losing business to be in the wrong. Particularly in the South, where each step in this affair is an unprecedented experience, it will be folly if each region, small or large, does not study the experiences of all the rest. And yet this, alone, would be superficial; we would still need to do more. We need to go back to the roots of things and study closely, analytically, the origin, the present foundation, the rationality, the rightness, of those sentiments surviving in us which prompt an attitude qualifying in any way peculiarly the black man's liberty among us. Such a treatment will be less abundant in incident, less picturesque; but it will be more thorough.

First, then, what are these sentiments? Foremost among them stands the idea that he is of necessity an alien. He was brought to our shores a naked, brutish, unclean, captive, pagan savage, to be and remain a kind of connecting link between man and the beasts of burden. The great changes to result from his contact with a superb race of masters were not taken into account. As a social factor he was intended to be as purely zero as the brute at the other end of his plow-line. The occasional mingling of his blood with that of the white man worked no change in the sentiment; one, two, four, eight, multiplied upon or divided into zero, still gave zero for the result. Generations of American nativity made no difference; his children and children's children were born in sight of our door, yet the old notion held fast. He increased to vast numbers, but it never wavered. He accepted our dress, language, religion, all the fundamentals of our civilization, and became forever expatriated from his own land; still he remained, to us, an alien. Our sentiment went blind. It did not see that gradually, here by force and there by choice, he was fulfilling a host of conditions that earned at least a solemn moral right to that naturalization which no one at first had dreamed of giving him. Frequently he even bought back the freedom of which he had been robbed, became a tax-payer, and at times an educator of his children at his own expense; but the old idea of alienism passed laws to banish him, his wife, and children by thousands from the state, and threw him into loathsome jails as a common felon for returning to his native land.

It will be wise to remember that these were the acts of an enlightened, God-fearing people, the great mass of whom have passed beyond all earthly accountability. They were our fathers. I am the son and grandson of slave-holders. These were their faults; posterity will discover ours; but these things must be frankly, fearlessly taken into account if we are ever to understand the true interests of our peculiar state of society.

Why, then, did this notion that the man of color must always remain an alien stand so unshaken? We may readily recall how, under ancient systems, he rose not only to high privileges, but often to public station and power. Singularly, with us the trouble lay in a modern principle of liberty. The whole idea of American government rested on all men's equal, inalienable right to secure their life, liberty, and the pursuit of happiness by governments founded in their own consent. Hence, our Southern forefathers, shedding their blood, or ready to shed it, for this principle, yet proposing in equal good conscience to continue holding the American black man and mulatto and quadroon in slavery, had to anchor that conscience, their conduct, and their laws in the conviction that the man of African tinc-

ture was, not by his master's arbitrary assertion merely, but by nature and unalterably, an alien. If that hold should break, one single wave of irresistible inference would lift our whole Southern social fabric and dash it upon the rocks of negro emancipation and enfranchisement. How was it made secure? Not by books, though they were written among us from every possible point of view, but, with the mass of our slave-owners, by the calm hypothesis of a positive, intuitive knowledge. To them the statement was an axiom. They abandoned the methods of moral and intellectual reasoning, and fell back upon this assumption of a God-given instinct, nobler than reason, and which it was an insult to a freeman to ask him to prove on logical grounds.

Yet it was found not enough. The slave multiplied. Slavery was a dangerous institution. Few in the South to-day have any just idea how often the slave plotted for his freedom. Our Southern ancestors were a noble, manly people, springing from some of the most highly intelligent, aspiring, upright, and refined nations of the modern world; from the Huguenot, the French Chevalier, the Old Englander, the New Englander. Their acts were not always right; whose are? But for their peace of mind they had to believe them so. They therefore spoke much of the negro's contentment with that servile condition for which nature had designed him. Yet there was no escaping the knowledge that we dared not trust the slave caste with any power that could be withheld from them. So the perpetual alien was made also a perpetual menial, and the belief became fixed that this, too, was nature's decree, not ours.

Thus we stood at the close of the civil war. There were always a few Southerners who did not justify slavery, and many who cared nothing whether it was just or not. But what we have described was the general sentiment of good Southern people. There was one modifying sentiment. It related to the slave's spiritual interests. Thousands of pious masters and mistresses flatly broke the shameful laws that stood between their slaves and the Bible. Slavery was right; but religion, they held, was for the alien and menial as well as for the citizen and master. They could be alien and citizen, menial and master, in church as well as out; and they were.

Yet over against this lay another root of to-day's difficulties. This perpetuation of the alien, menial relation tended to perpetuate the vices that naturally cling to servility, dense ignorance and a hopeless separation from true liberty; and as we could not find it in our minds to blame slavery with this perpetuation, we could only assume as a further axiom that there was, by nature, a disqualifying moral taint in every drop of negro blood. The testimony of an Irish, German, Italian, French, or Spanish beggar in a court of justice was taken on its merits; but the colored man's was excluded by law wherever it weighed against a white man. The colored man was a prejudged culprit. The discipline of the plantation required that the difference between master and slave be never lost sight of by either. It made our master caste a solid mass, and fixed a common masterhood and subserviency between the ruling and the serving race.* Every one of us grew up in the idea that he had, by birth and race, certain broad powers of police over any and every person of color.

All at once the tempest of war snapped off at the ground every one of these arbitrary relations, without removing a single one of the sentiments in which they stood rooted. Then, to fortify the freedman in the tenure of his new rights, he was given the ballot. Before this grim fact the notion of alienism, had it been standing alone, might have given way. The idea that slavery was right did begin to crumble almost at once. "As for slavery," said an old Creole sugar-planter and former slave-owner to me, "it was damnable." The revelation came like a sudden burst of light. It is one of the South's noblest poets who has but just said:

"I am a Southerner;
I love the South; I dared for her
To fight from Lookout to the sea,
With her proud banner over me:
But from my lips thanksgiving broke,
As God in battle-thunder spoke,
And that Black Idol, breeding drouth
And dearth of human sympathy
Throughout the sweet and sensuous South,
Was, with its chains and human yoke,
Blown hellward from the cannon's mouth,
While Freedom cheered behind the smoke!" †

With like readiness might the old alien relation have given way if we could only, while letting that pass, have held fast by the other old ideas. But they were all bound together. See our embarrassment. For more than a hundred years we had made these sentiments the absolute essentials to our self-respect. And yet if we clung to them, how could we

* The old Louisiana Black Code says, "That free people of color ought never to . . . presume to conceive themselves equal to the white; but, on the contrary, that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under the penalty of imprisonment according to the nature of the offense." (Section 21, p. 164.)

† Maurice Thompson, in the "Independent."

meet the freedman on equal terms in the political field? Even to lead would not compensate us; for the fundamental profession of American politics is that the leader is servant to his followers. It was too much. The ex-master and ex-slave—the quarter-deck and the forecastle, as it were—could not come together. But neither could the American mind tolerate a continuance of martial law. The agonies of reconstruction followed.

The vote, after all, was a secondary point, and the robbery and bribery on one side, and whipping and killing on the other, were but huge accidents of the situation. The two main questions were really these: on the freedman's side, how to establish republican State government under the same recognition of his rights that the rest of Christendom accorded him; and on the former master's side, how to get back to the old semblance of republican State government, and—allowing that the freedman was *de facto* a voter—still to maintain a purely arbitrary superiority of all whites over all blacks, and a purely arbitrary equality of all blacks among themselves as an alien, menial, and dangerous class.

Exceptionally here and there some one in the master caste did throw off the old and accept the new ideas, and, if he would allow it, was instantly claimed as a leader by the newly liberated thousands around him. But just as promptly the old master race branded him also an alien reprobate, and in ninety-nine cases out of a hundred, if he had not already done so, he soon began to confirm by his actions the brand on his cheek. However, we need give no history here of the dreadful episode of reconstruction. Under an experimentative truce its issues rest to-day upon the pledge of the wiser leaders of the master class: Let us but remove the hireling demagogue, and we will see to it that the freedman is accorded a practical, complete, and cordial recognition of his equality with the white man before the law. As far as there has been any understanding at all, it is not that the originally desired ends of reconstruction have been abandoned, but that the men of North and South have agreed upon a new, gentle, and peaceable method for reaching them; that, without change as to the ends in view, compulsory reconstruction has been set aside and a voluntary reconstruction is on trial.

It is the fashion to say we paused to let the "feelings engendered by the war" pass away, and that they are passing. But let not these truths lead us into error. The sentiments we have been analyzing, and upon which we saw the old compulsory reconstruction go hard aground—these are not the "feelings engendered by the war." We must disentangle them from the "feelings engendered by the war," and by reconstruction. They are older than either. But for them slavery would have perished of itself, and emancipation and reconstruction been peaceful revolutions.

Indeed, as between master and slave, the "feelings engendered by the war" are too trivial, or at least were too short-lived, to demand our present notice. One relation and feeling the war destroyed: the patriarchal tie and its often really tender and benevolent sentiment of dependence and protection. When the slave became a freedman the sentiment of alienism became for the first time complete. The abandonment of this relation was not one-sided; the slave, even before the master, renounced it. Countless times, since reconstruction began, the master has tried, in what he believed to be everybody's interest, to play on that old sentiment. But he found it a harp without strings. The freedman could not formulate, but he could see, all our old ideas of autocracy and subserviency, of master and menial, of an arbitrarily fixed class to guide and rule, and another to be guided and ruled. He rejected the overture. The old master, his well-meant condescensions slighted, turned away estranged, and justified himself in passively withholding that simpler protection without patronage which any one American citizen, however exalted, owes to any other, however humble. Could the freedman in the bitterest of those days have consented to throw himself upon just that one old relation, he could have found a physical security for himself and his house such as could not, after years of effort, be given him by constitutional amendments, Congress, United States marshals, regiments of regulars, and ships of war. But he could not; the very nobility of the civilization that had held him in slavery had made him too much a man to go back to that shelter; and by his manly neglect to do so he has proved to us who once ruled over him that, be his relative standing among the races of men what it may, he is worthy to be free.

To be a free man is his still distant goal. Twice he has been a freedman. In the days of compulsory reconstruction he was freed in the presence of his master by that master's victorious foe. In these days of voluntary reconstruction he is virtually freed by the consent of his master, but the master retaining the exclusive right to define the bounds of his freedom. Many everywhere have taken up the idea that this state of affairs is the end to be desired and the end actually sought in reconstruction as handed over to the States. I do not charge such folly to the best intelligence of any American community; but I

cannot ignore my own knowledge that the average thought of some regions rises to no better idea of the issue. The belief is all too common that the nation, having aimed at a wrong result and missed, has left us of the Southern States to get now such other result as we think best. I say this belief is not universal. There are those among us who see that America has no room for a state of society which makes its lower classes harmless by abridging their liberties, or, as one of the favored class lately said to me, has "got 'em so they don't give no trouble." There is a growing number who see that the one thing we cannot afford to tolerate at large is a class of people less than citizens; and that every interest in the land demands that the freedman be free to become in all things, as far as his own personal gifts will lift and sustain him, the same sort of American citizen he would be if, with the same intellectual and moral caliber, he were white.

Thus we reach the ultimate question of fact. Are the freedman's liberties suffering any real abridgment? The answer is easy. The letter of the laws, with but few exceptions, recognizes him as entitled to every right of an American citizen; and to some it may seem unimportant that there is scarcely one public relation of life in the South where he is not arbitrarily and unlawfully compelled to hold toward the white man the attitude of an alien, a menial, and a probable reprobate, by reason of his race and color. One of the marvels of future history will be that it was counted a small matter, by a majority of our nation, for six millions of people within it, made by its own decree a component part of it, to be subjected to a system of oppression so rank that nothing could make it seem small except the fact that they had already been ground under it for a century and a half.

Examine it. It proffers to the freedman a certain security of life and property, and then holds the respect of the community, that dearest of earthly boons, beyond his attainment. It gives him certain guarantees against thieves and robbers, and then holds him under the unearned contumely of the mass of good men and women. It acknowledges in constitutions and statutes his title to an American's freedom and aspirations, and then in daily practice heaps upon him in every public place the most odious distinctions, without giving ear to the humblest plea concerning mental or moral character. It spurns his ambition, tramples upon his languishing self-respect, and indignantly refuses to let him either buy with money, or earn by any excellence of inner life or outward behavior, the most momentary immunity from these public indignities even for his wife and daughters. Need we cram these pages with facts in evidence, as if these were charges denied and requiring to be proven? They are simply the present avowed and defended state of affairs peeled of its exteriors.

Nothing but the habit, generations old, of enduring it could make it endurable by men not in actual slavery. Were we whites of the South to remain every way as we are, and our six million blacks to give place to any sort of whites exactly their equals, man for man, in mind, morals, and wealth, provided only that they had tasted two years of American freedom, and were this same system of tyrannies attempted upon them, there would be as bloody an uprising as this continent has ever seen. We can say this quietly. There is not a scruple's weight of present danger. These six million freedmen are dominated by nine million whites immeasurably stronger than they, backed by the virtual consent of thirty-odd millions more. Indeed, nothing but the habit of oppression could make such oppression possible to a people of the intelligence and virtue of our Southern whites, and the invitation to practice it on millions of any other than the children of their former slaves would be spurned with a noble indignation.

Suppose, for a moment, the tables turned. Suppose the courts of our Southern States, while changing no laws requiring the impaneling of jurymen without distinction as to race, etc., should suddenly begin to draw their thousands of jurymen all black, and well-nigh every one of them counting not only himself, but all his race, better than any white man. Assuming that their average of intelligence and morals should be not below that of jurymen as now drawn, would a white man, for all that, choose to be tried in one of those courts? Would he suspect nothing? Could one persuade him that his chances of even justice were all they should be, or all they would be were the court not evading the law in order to sustain an outrageous distinction against him because of the accidents of his birth? Yet only read white man for black man, and black man for white man, and that—I speak as an eye-witness—has been the practice for years, and is still so to-day; an actual emasculation, in the case of six million people both as plaintiff and defendant, of the right of trial by jury.

In this and other practices the outrage falls upon the freedman. Does it stop there? Far from it. It is the first premise of American principles that whatever elevates the lower stratum of the people lifts all the rest, and

whatever holds it down holds all down. For twenty years, therefore, the nation has been working to elevate the freedman. It counts this one of the great necessities of the hour. It has poured out its wealth publicly and privately for this purpose. It is confidently expected that it will soon bestow a royal gift of millions for the reduction of the illiteracy so largely shared by the blacks. Our Southern States are, and for twenty years have been, taxing themselves for the same end. The private charities alone of the other States have given twenty millions in the same good cause. Their colored seminaries, colleges, and normal schools dot our whole Southern country, and furnish our public colored schools with a large part of their teachers. All this and much more has been or is being done in order that, for the good of himself and everybody else in the land, the colored man may be elevated as quickly as possible from all the debasements of slavery and semi-slavery to the full stature and integrity of citizenship. And it is in the face of all this that the adherent of the old régime stands in the way to every public privilege and place — steamer landing, railway platform, theater, concert-hall, art display, public library, public school, court-house, church, everything — flourishing the hot branding-iron of ignominious distinctions. He forbids the freedman to go into the water until *he* is satisfied that he knows how to swim, and for fear he should learn hangs mill-stones about his neck. This is what we are told is a small matter that will settle itself. Yes, like a roosting curse, until the outraged intelligence of the South lifts its indignant protest against this stupid firing into our own ranks.

I say the outraged intelligence of the South; for there are thousands of Southern-born white men and women in the minority in all these places — in churches, courts, schools, libraries, theaters, concert-halls, and on steamers and railway carriages — who see the wrong and folly of these things, silently blush for them, and withhold their open protests only because their belief is unfortunately stronger in the futility of their counsel than in the power of a just cause. I do not justify their silence; but I affirm their sincerity and their goodly numbers. Of late years, when condemning these evils from the platform in Southern towns, I have repeatedly found that those who I had earlier been told were the men and women in whom the community placed most confidence and pride — they were the ones who, when I had spoken, came forward with warmest hand-grasps and expressions of thanks, and pointedly and cordially justified my every utterance. And were they the young South? Not by half! The gray-beards of the old times have always been among them, saying in effect, not by any means as converts, but as fellow-discoverers, "Whereas we were blind, now we see."

Another sort among our good Southern people make a similar but feebler admission, but with the time-worn proviso that expediency makes a more imperative demand than law, justice, or logic, and demands the preservation of the old order. Somebody must be outraged, it seems; and if not the freedman, then it must be a highly refined and enlightened race of people constantly offended and grossly discommoded, if not imposed upon, by a horde of tatterdemalions, male and female, crowding into a participation in their reserved privileges. Now, look at this plea. It is simply saying in another way that though the Southern whites far outnumber the blacks, and though we hold every element of power in greater degree than the blacks, and though the larger part of us claim to be sealed by nature as an exclusive upper class, and though we have the courts completely in our own hands, with the police on our right and the prisons on our left, and though we justly claim to be an intrepid people, and though we have a superb military experience, with ninety-nine hundredths of all the military equipment and no scarcity of all the accessories, yet with all the facts behind us we cannot make and enforce that intelligent and approximately just assortment of persons in public places and conveyances on the merits of exterior decency that is made in all other enlightened lands. On such a plea are made a distinction and separation that not only are crude, invidious, humiliating, and tyrannous, but which do not reach their ostensible end or come near it; and all that saves such a plea from being a confession of driveling imbecility is its utter speciousness. It is advanced sincerely; and yet nothing is easier to show than that these distinctions on the line of color are really made not from any necessity, but simply for their own sake — to preserve the old arbitrary supremacy of the master class over the menial without regard to the decency or indecency of appearance or manners in either the white individual or the colored.

See its every-day working. Any colored man gains unquestioned admission into innumerable places the moment he appears as the menial attendant of some white person, where he could not cross the threshold in his own right as a well-dressed and well-behaved master of himself. The contrast is even greater in the case of colored women. There could not be a system which when put into practice would more offensively condemn itself. It does

more: it actually creates the confusion it pretends to prevent. It blunts the sensibilities of the ruling class themselves. It waives all strict demand for painstaking in either manners or dress of either master or menial, and, for one result, makes the average Southern railway coach more uncomfortable than the average of railway coaches elsewhere. It prompts the average Southern white passenger to find less offense in the presence of a profane, boisterous, or unclean white person than in that of a quiet, well-behaved colored man or woman attempting to travel on an equal footing with him without a white master or mistress. The holders of the old sentiments hold the opposite choice in scorn. It is only when we go on to say that there are regions where the riotous expulsion of a decent and peaceable colored person is preferred to his inoffensive company, that it may seem necessary to bring in evidence. And yet here again it is *primâ facie* evidence; for the following extract was printed in the Selma (Alabama) "Times" not six months ago, and not as a complaint, but as a boast:

"A few days since, a negro minister, of this city, boarded the east-bound passenger train on the E. T., V. & G. Railway and took a seat in the coach occupied by white passengers. Some of the passengers complained to the conductor and brakemen, and expressed considerable dissatisfaction that they were forced to ride alongside of a negro. The railroad officials informed the complainants that they were not authorized to force the colored passenger into the coach set apart for the negroes, and they would lay themselves liable should they do so. The white passengers then took the matter in their own hands and ordered the ebony-hued minister to take a seat in the next coach. He positively refused to obey orders, whereupon the white men gave him a sound flogging and forced him to a seat among his own color and equals. We learned yesterday that the vanquished preacher was unable to fill his pulpit on account of the severe chastisement inflicted upon him. Now [says the delighted editor] the query that puzzles is, 'Who did the flogging?'"

And as good an answer as we can give is that likely enough they were some of the men for whom the whole South has come to a halt to let them get over the "feelings engendered by the war." Must such men, such acts, such sentiments, stand alone to represent us of the South before an enlightened world? No. I say, as a citizen of an extreme Southern State, a native of Louisiana, an ex-Confederate soldier, and a lover of my home, my city, and my State, as well as of my country, that this is not the best sentiment in the South, nor the sentiment of her best intelligence; and that it would not ride up and down that beautiful land dominating and domineering were it not for its tremendous power as the *traditional* sentiment of a conservative people. But is not silent endurance criminal? I cannot but repeat my own words, spoken near the scene and about the time of this event. Speech may be silvern and silence golden; but if a lump of gold is only big enough, it can drag us to the bottom of the sea and hold us there while all the world sails over us.

The laws passed in the days of compulsory reconstruction requiring "equal accommodations," etc., for colored and white persons were freedmen's follies. On their face they defeated their ends; for even in theory they at once reduced to half all opportunity for those more reasonable and mutually agreeable self-assortments which public assemblages and groups of passengers find it best to make in all other enlightened countries, making them on the score of conduct, dress, and price. They also led the whites to overlook what they would have seen instantly had these invidious distinctions been made against themselves: that their offense does not vanish at the guarantee against the loss of physical comforts. But we made, and are still making, a mistake beyond even this. For years many of us have carelessly taken for granted that these laws were being carried out in some shape that removed all just ground of complaint. It is common to say, "We allow the man of color to go and come at will, only let him sit apart in a place marked off for him." But marked off how? So as to mark him instantly as a menial. Not by railings and partitions merely, which, raised against any other class in the United States with the same invidious intent, would be kicked down as fast as put up, but by giving him besides, in every instance and without recourse, the most uncomfortable, uncleanest, and unsafest place; and the unsafety, uncleanness, and discomfort of most of these places are a shame to any community pretending to practice public justice. If any one can think the freedman does not feel the indignities thus heaped upon him, let him take up any paper printed for colored men's patronage, or ask any colored man of known courageous utterance. Hear them:

"We ask not Congress, nor the Legislature, nor any other power, to remedy these evils, but we ask the people among whom we live. Those who *can* remedy them if they *will*. Those who have a high sense of honor and a deep moral feeling. Those who have one vestige of human sympathy left. . . . Those are the ones we ask to protect us in our weakness and ill-treatments. . . . As soon as the colored man is treated by the white man as a *man*, that harmony and pleasant feeling which should characterize all races which dwell together, shall be the bond of peace between them."

Surely their evidence is good enough to prove their own feelings. We need not lean upon it here for anything else. I shall not bring

forward a single statement of fact from them or any of their white friends who, as teachers and missionaries, share many of their humiliations, though my desk is covered with them. But I beg to make the same citation from my own experience that I made last June in the far South. It was this: One hot night in September of last year I was traveling by rail in the State of Alabama. At rather late bed-time there came aboard the train a young mother and her little daughter of three or four years. They were neatly and tastefully dressed in cool, fresh muslins, and as the train went on its way they sat together very still and quiet. At the next station there came aboard a most melancholy and revolting company. In filthy rags, with vile odors and the clanking of shackles and chains, nine penitentiary convicts chained to one chain, and ten more chained to another, dragged laboriously into the compartment of the car where in one corner sat this mother and child, and packed it full, and the train moved on. The keeper of the convicts told me he should take them in that car two hundred miles that night. They were going to the mines. My seat was not in that car, and I staid in it but a moment. It stank insufferably. I returned to my own place in the coach behind, where there was, and had all the time been, plenty of room. But the mother and child sat on in silence in that foul hole, the conductor having distinctly refused them admission elsewhere because they were of African blood, and not because the mother was, but because she was *not*, engaged at the moment in menial service. Had the child been white, and the mother not its natural but its hired guardian, she could have sat anywhere in the train, and no one would have ventured to object, even had she been as black as the mouth of the coal-pit to which her loathsome fellow-passengers were being carried in chains.

Such is the incident as I saw it. But the illustration would be incomplete here were I not allowed to add the comments I made upon it when in June last I recounted it, and to state the two opposite tempers in which my words were received. I said: "These are the facts. And yet you know and I know we belong to communities that, after years of hoping for, are at last taking comfort in the assurance of the nation's highest courts that no law can reach and stop this shameful foul play until we choose to enact a law to that end ourselves. And now the east and north and west of our great and prosperous and happy country, and the rest of the civilized world, as far as it knows our case, are standing and waiting to see what we will write upon the white page of to-day's and to-morrow's history, now that we are simply on our honor and on the mettle of our far and peculiarly famed Southern instinct. How long, then, shall we stand off from such ringing moral questions as these on the flimsy plea that they have a political value, and, scrutinizing the Constitution, keep saying, 'Is it so nominated in the bond? I cannot find it; 'tis not in the bond.'"

With the temper that promptly resented these words through many newspapers of the neighboring regions there can be no propriety in wrangling. When regions so estranged from the world's thought carry their resentment no further than a little harmless invective, it is but fair to welcome it as a sign of progress. If communities nearer the great centers of thought grow impatient with them, how shall we resent the impatience of these remoter ones when their oldest traditions are, as it seems to them, ruthlessly assailed? There is but one right thing to do: it is to pour in upon them our reiterations of the truth without malice and without stint.

But I have a much better word to say. It is for those who, not voiced by the newspapers around them, showed, both then and constantly afterward in public and private during my two days' subsequent travel and sojourn in the region, by their cordial, frequent, specific approval of my words, that a better intelligence is longing to see the evils of the old régime supplanted by a wiser and more humane public sentiment and practice. And I must repeat my conviction that if the unconscious habit of oppression were not already there, a scheme so gross, irrational, unjust, and inefficient as our present caste distinctions could not find place among a people so generally intelligent and high-minded. I ask attention to their bad influence in a direction not often noticed.

In studying, about a year ago, the practice of letting out public convicts to private lessees to serve out their sentences under private management, I found that it does not belong to all our once slave States nor to all our once seceded States.* Only it is no longer in practice outside of them. Under our present condition in the South, it is beyond possibility that the individual black should behave mischievously without offensively rearousing the old sentiments of the still dominant white man. As we have seen, too, the white man virtually monopolizes the jury-box. Add another fact: the Southern States have entered upon a new era of material development. Now, if with these conditions in force the public mind has been captivated by glowing pictures of the remunerative economy of

* See "The Convict Lease System in the Southern States," in THE CENTURY for February, 1884.—ED.

the convict-lease system, and by the seductive spectacle of mines and railways, turnpikes and levees, that everybody wants and nobody wants to pay for, growing apace by convict labor that seems to cost nothing, we may almost assert beforehand that the popular mind will — not so maliciously as unreflectingly — yield to the tremendous temptation to hustle the misbehaving black man into the State prison under extravagant sentence, and sell his labor to the highest bidder who will use him in the construction of public works. For ignorance of the awful condition of these penitentiaries is extreme and general, and the hasty, half-conscious assumption naturally is, that the culprit will survive this term of sentence, and its fierce discipline "teach him to behave himself."

But we need not argue from cause to effect only. Nor need I repeat one of the many painful rumors that poured in upon me the moment I began to investigate this point. The official testimony of the prisons themselves is before the world to establish the conjectures that spring from our reasoning. After the erroneous takings of the census of 1880 in South Carolina had been corrected, the population was shown to consist of about twenty blacks to every thirteen whites. One would therefore look for a preponderance of blacks on the prison lists; and inasmuch as they are a people only twenty years ago released from servile captivity, one would not be surprised to see that preponderance large. Yet, when the actual numbers confront us, our speculations are stopped with a rude shock; for what is to account for the fact that in 1881 there were committed to the State prison at Columbia, South Carolina, 406 colored persons and but 25 whites? The proportion of blacks sentenced to the whole black population was one to every 1488; that of the whites to the white population was but one to every 15,644. In Georgia the white inhabitants decidedly outnumber the blacks; yet in the State penitentiary, October 20, 1880, there were 115 whites and 1071 colored; or if we reject the summary of its tables and refer to the tables themselves (for the one does not agree with the other), there were but 102 whites and 1083 colored. Yet of 52 pardons granted in the two years then closing, 22 were to whites and only 30 to blacks. If this be a dark record, what shall we say of the records of lynch law? But for them there is not room here.

A far pleasanter aspect of our subject shows itself when we turn from courts and prisons to the school-house. And the explanation is simple. Were our educational affairs in the hands of that not high average of the community commonly seen in jury-boxes, with their transient sense of accountability and their crude notions of public interests, there would most likely be no such pleasant contrast. But with us of the South, as elsewhere, there is a fairly honest effort to keep the public-school interests in the hands of the State's most highly trained intelligence. Hence our public educational work is a compromise between the unprogressive prejudices of the general mass of the whites and the progressive intelligence of their best minds. Practically, through the great majority of our higher educational officers, we are fairly converted to the imperative necessity of elevating the colored man intellectually, and are beginning to see very plainly that the whole community is sinned against in every act or attitude of oppression, however gross or however refined.

Yet one thing must be said. I believe it is wise that all have agreed not to handicap education with the race question, but to make a complete surrender of that issue, and let it find adjustment elsewhere first and in the schools last. And yet, in simple truth and justice and in the kindest spirit, we ought to file one exception for that inevitable hour when the whole question must be met. There can be no more real justice in pursuing the freedman's children with humiliating arbitrary distinctions and separations in the school-houses than in putting them upon him in other places. If, growing out of their peculiar mental structure, there are good and just reasons for their isolation, by all means let them be proved and known; but it is simply tyrannous to assume them without proof. I know that just here looms up the huge bugbear of Social Equality. Our eyes are filled with absurd visions of all Shantytown pouring its hordes of unwashed imps into the company and companionship of our own sunny-headed darlings. What utter nonsense! As if our public schools had no gauge of cleanliness, decorum, or moral character! Social Equality? What a godsend it would be if the advocates of the old Southern régime could only see that the color line points straight in the direction of social equality by tending toward the equalization of all whites on one side of the line and of all blacks on the other. We may reach the moon some day, not social equality; but the only class that really effects anything toward it are the makers and holders of arbitrary and artificial social distinctions interfering with society's natural self-distribution. Even the little children everywhere are taught, and begin to learn almost with their A B C, that they will find, and must be guided by, the same variations of the social scale in the public school as out of

it; and it is no small mistake to put them or their parents off their guard by this cheap separation on the line of color.

But some will say this is not a purely artificial distinction. We hear much about race instinct. The most of it, I fear, is pure twaddle. It may be there is such a thing. We do not know. It is not proved. And even if it were established, it would not necessarily be a proper moral guide. We subordinate instinct to society's best interests as apprehended in the light of reason. If there is such a thing, it behaves with strange malignity toward the remnants of African blood in individuals principally of our own race, and with singular indulgence to the descendants of — for example — Pocahontas. Of mere race *feeling* we all know there is no scarcity. Who is stranger to it? And as another man's motive of private preference no one has a right to forbid it or require it. But as to its being an instinct, one thing is plain: if there is such an instinct, so far from excusing the malignant indignities practiced in its name, it furnishes their final condemnation; for it stands to reason that just in degree as it is a real thing it will take care of itself.

It has often been seen to do so, whether it is real or imaginary. I have seen in New Orleans a Sunday-school of white children every Sunday afternoon take possession of its two rooms immediately upon their being vacated by a black school of equal or somewhat larger numbers. The teachers of the colored school are both white and black, and among the white teachers are young ladies and gentlemen of the highest social standing. The pupils of the two schools are alike neatly attired, orderly, and in every respect inoffensive to each other. I have seen the two races sitting in the same public high-school and grammar-school rooms, reciting in the same classes and taking recess on the same ground at the same time, without one particle of detriment that any one ever pretended to discover, although the fiercest enemies of the system swarmed about it on every side. And when in the light of these observations I reflect upon the enormous educational task our Southern States have before them, the inadequacy of their own means for performing it, the hoped-for beneficence of the general Government, the sparseness with which so much of our Southern population is distributed over the land, the thousands of school districts where, consequently, the multiplication of schools must involve both increase of expense and reduction of efficiency, I must enter some demurrer to the enforcement of the tyrannous sentiments of the old régime until wise experiments have established better reasons than I have yet heard given.

What need to say more? The question is answered. Is the freedman a free man? No. We have considered his position in a land whence nothing can, and no man has a shadow of right to, drive him, and where he is multiplying as only oppression can multiply a people. We have carefully analyzed his relations to the finer and prouder race, with which he shares the ownership and citizenship of a region large enough for ten times the number of both. Without accepting one word of his testimony, we have shown that the laws made for his protection against the habits of suspicion and oppression in his late master are being constantly set aside, not for their defects, but for such merit as they possess. We have shown that the very natural source of these oppressions is the surviving sentiments of an extinct and now universally execrated institution; sentiments which no intelligent or moral people should harbor a moment after the admission that slavery was a moral mistake. We have shown the outrageousness of these tyrannies in some of their workings, and how distinctly they antagonize every State and national interest involved in the elevation of the colored race. Is it not well to have done so? For, I say again, the question has reached a moment of special importance. The South stands on her honor before the clean equities of the issue. It is no longer whether constitutional amendments, but whether the eternal principles of justice, are violated. And the answer must — it shall — come from the South. And it shall be practical. It will not cost much. We have had a strange experience: the withholding of simple rights has cost us much blood; such concessions of them as we have made have never yet cost a drop. The answer is coming. Is politics in the way? Then let it clear the track or get run over, just as it prefers. But, as I have said over and over to my brethren in the South, I take upon me to say again here, that there is a moral and intellectual intelligence there which is not going to be much longer beguiled out of its moral right of way by questions of political punctilio, but will seek that plane of universal justice and equity which it is every people's duty before God to seek, not along the line of politics, — God forbid! — but across it and across it and across it as many times as it may lie across the path, until the whole people of every once slave-holding State can stand up as one man, saying, "Is the freedman a free man?" and the whole world shall answer, "Yes."

George W. Cable.